

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

JUSTIN ALAN BURTON,

Plaintiff,

v.

Civil Action No. 1:10cv48  
(Judge Keeley)

CHRIS TYLER,  
MIKE HILL,  
WILLIAM YURCINA,  
DENNIS FOREMAN, and  
JOE MANCHIN,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS (DKT. 40),  
GRANTING MOTION TO DISMISS (DKT. 28) AND  
DISMISSING CASE WITH PREJUDICE

On August 27, 2010, United States Magistrate Judge John S. Kaull entered a Report and Recommendations ("R&R"), recommending that the Court dismiss this case with prejudice. The R&R further stated that any party objecting to its recommendations must do so within fourteen days of receipt of service of the R&R. The pro se plaintiff, Justin Alan Burton, accepted service of the R&R on August 30, 2010, and has filed no objections.

Accordingly, the Court **ADOPTS** the R&R (dkt. 40) in full, **GRANTS** the motion to dismiss (dkt. 28) filed by the defendants, and **DISMISSES** this case **WITH PREJUDICE**.

It is so **ORDERED**.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

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The Court directs the Clerk to strike this case from the active docket, enter a separate judgment order, and transmit copies of both orders to counsel of record and to the pro se plaintiff via certified mail, return receipt requested.

Dated: October 13, 2010

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE